

**Town of Milton**  
115 Federal St  
Milton, DE 19968



[www.milton.delaware.gov](http://www.milton.delaware.gov)  
Phone: 302-684-4110  
Fax: 302-684-8999

**ORDINANCE NO. 2015-005**

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 85 “BUILDING CONSTRUCTION”, CHAPTER 148 “NOISE”, AND CHAPTER 220 “ZONING”, RELATED TO GENERATORS**

**WHEREAS**, Section 29(a)(1) of the Town Charter authorizes the Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants; and

**WHEREAS**, Section 29(a)(7) of the Town Charter authorizes the Town Council to define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health, welfare; and

**WHEREAS**, the Town of Milton currently has its Ordinances providing for proper permitting requirements within Town Code Chapter 85, noise restrictions within Town Code Chapter 148, and limitations for projections into setbacks codified within Town Code Chapter 220.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring therein, that the following revisions hereby are incorporated into Chapter 85 Building Construction §85-4, Chapter 148 Noise §148-6 and §148-13, and Chapter 220 Zoning §220-26 of the Town Code, with deletions shown by strike through and additions shown by underline as follows:

Chapter 85 Building Construction  
General References  
Noise – See Ch. 148-6E

Section 85-4 Permits.

A building permit shall be required within the Town of Milton under the following conditions:

A. Construction of a new building or structure or portion thereof, including but not limited to foundations, driveway paving, sidewalks, fences, piers, docks, sheds, gazebos, decks, ~~and~~ swimming pools, and permanent standby electrical generation systems.

Section 148-6 General Noise Restrictions.

E. No person shall install any permanent standby electrical generation system or device without first obtaining a building permit from the Town of Milton. Upon completion of installation, the system or device shall be subject to noise level testing in accordance with standard procedures for measuring noise levels provided in Section 148-5A(3). Once testing

has been completed and noise levels are found to be within the prescribed levels provided in Section 148-5A(2), a certificate of compliance shall be issued.

Section 148-13 General Provisions.

D. Audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger are specifically exempt from the provisions of the article. Police sirens are specifically exempt. Standby electrical generation systems are exempt during extended power outages lasting over sixty minutes.

Section 220-26 Projections into required yards.

B. Utility equipment may project five feet into the side yard or rear yard setbacks.

(1) Permanent standby electrical generators shall not project into side yard setbacks, but may project five feet into rear yard setbacks. All installations of such systems are subject to permitting and inspection, and shall comply with all provisions of Chapter 148, Noise.

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**I, MARION L. JONES**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, **2015**, at which a quorum was present and voting throughout and that the same is still in full force and effect.

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**MAYOR**